

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRANDI R. BANKSTON, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

AMERICREDIT FINANCIAL SERVICES,
INC.,

Defendants.

Case No: C 09-4978 SBA

**ORDER DENYING PLAINTIFF'S
REQUEST TO EXTEND
DISCOVERY CUT-OFF**

On June 10, 2010, the Court issued an Order holding the pending motions in abeyance while the Judicial Panel on Multidistrict Litigation ("Panel") considers Plaintiff's motion to transfer for consolidated and coordinated pretrial proceedings. (Docket 124.) On June 11, 2010, Plaintiff submitted a letter to the Court complaining that defendant AmeriCredit Financial Services ("AmeriCredit") has not filed or served its opposition to her motion for summary judgment. Plaintiff's counsel avers that he "need[s] AmeriCredit's opposition to the summary judgment [motion] in order to prepare Ms. Bankston's case." (Docket 126.) Counsel indicates that if the Court's order holding the motions in abeyance relieves AmeriCredit of its obligation to file its summary judgment opposition brief at this time, he "needs additional time to conduct follow up discovery after she eventually receives AmeriCredit's opposition and therefore requests that the Court extend the discovery cutoff date accordingly." (*Id.*)

As an initial matter, Plaintiff should be aware that all requests filed in this Court must comport with the provisions of Civil Local Rule 7. Not only is Plaintiff's letter in violation of the Local Rules, there also is no indication that her counsel first met and conferred with opposing counsel, as required by the Standing Orders of this Court. But even if Plaintiff had properly submitted such request, the Court finds her position unpersuasive. The Court's June


1 10, 2010 Order clearly states that the pending motions are being held in abeyance while the
2 Panel considers her motion to transfer. That Order obviously includes AmeriCredit's
3 opposition brief.

4 The above notwithstanding, it is unclear why Plaintiff requires AmeriCredit's
5 opposition brief in order to prepare her case. AmeriCredit's position in this litigation and its
6 defenses to Plaintiff's claims should already have been apparent to her counsel through the
7 discovery process. See Duran v. Cisco Sys., Inc., 258 F.R.D. 375, 378 (C.D. Cal. 2009)
8 ("Generally, the purpose of discovery is to remove surprise from trial preparation so the parties
9 can obtain evidence necessary to evaluate and resolve their dispute"). With regard to
10 Plaintiff's related request to extend the discovery cut-off (to an unspecified date), the Court
11 finds that she has failed to demonstrate why, in the exercise of due diligence, she is unable to
12 complete discovery by the discovery cut-off date. Johnson v. Mammoth Recreations, Inc., 975
13 F.2d 604, 609 (9th Cir. 1992) ("good cause" to justify modification of a pretrial scheduling
14 order exists where a deadline "cannot reasonably be met despite the diligence of the party
15 seeking the extension"). Accordingly,

16 IT IS HEREBY ORDERED THAT Plaintiff's request to extend the discovery cut-off
17 date is DENIED. AmeriCredit need not file its opposition to Plaintiff's motion for summary
18 judgment unless and until otherwise ordered by the Court.

19 IT IS SO ORDERED.

20 Dated: June 22, 2010


21 SAUNDRA BROWN ARMSTRONG
22 United States District Judge
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